

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

TEXAS DATA CO., L.L.C.,

Plaintiff,

v.

**TARGET BRANDS, INC., AND
TARGET CORPORATION**

Defendant.

Case No. 2:10-cv-00269

JURY TRIAL DEMANDED

AGREED DOCKET CONTROL ORDER

On November 23, 2010, all parties in this action appeared, by and through their counsel of record, and announced to the Court that they met and conferred in accordance with Federal Rule of Civil Procedure 26(f) in compliance with the Court's Notice of Scheduling Conference (Doc. No. 21). The parties further announced that they have reached an agreement as to the deadlines that should appear in this Docket Control Order. The Court finds that the proposed deadlines are sufficient for this cause, and it is therefore ORDERED that the following deadlines shall govern this cause:

August 1, 2011 Jury Selection - 9:00 a.m. in Marshall, Texas

July 28, 2011 Pretrial Conference - 1:30 p.m. in Marshall, Texas

July 11, 2011 Joint Pretrial Order, Joint Proposed Jury Instructions, and Form of the Verdict.

July 11, 2011 **Motions in *Limine* Due**

The parties are ordered to **meet and confer** on their respective motions *in limine* and **advise the court of any agreements in this regard by 1:00 p.m. three (3) business days before** the pretrial conference. The parties shall limit their motions *in limine* to those issues which, if improperly introduced into the trial of the case would be so prejudicial that the court could not alleviate the prejudice with appropriate instruction(s).

<u>July 8, 2011</u>	Pretrial Objections due
<u>July 1, 2011</u>	Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Susan Simmons, at lssimmons@yahoo.com.
<u>July 1, 2011</u>	Pretrial Disclosures due
<u>June 20, 2011</u>	Response to Dispositive Motions (including <i>Daubert</i> motions) Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e). Motions for Summary Judgment shall comply with Local Rule CV56.
<u>June 6, 2011</u>	For Filing Dispositive Motions and any other motions that may require a hearing (including <i>Daubert</i> motions)
<u>June 6, 2011</u>	Defendant to Identify Trial Witnesses
<u>May 23, 2011</u>	Plaintiff to Identify Trial Witnesses
<u>May 13, 2011</u>	Defendant to Answer Amended Pleadings
<u>April 29, 2011</u>	Amend Pleadings (It is not necessary to file a Motion for Leave to Amend before the deadline to amend pleadings. It is necessary to file a Motion for Leave to Amend after the amended pleadings date set forth herein.)
<u>April 15, 2011</u>	Discovery Deadline
<u>April 15, 2011</u>	All parties to Designate Rebuttal Expert Witnesses
<u>April 1, 2011</u>	Defendant to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<u>March 1, 2011</u>	Plaintiff to Designate Expert Witnesses Expert witness report due Refer to Local Rules for required information.
<u>March 14, 2011</u>	Privilege Logs to be exchanged by parties.
<u>February 1, 2011</u>	Join Additional Parties

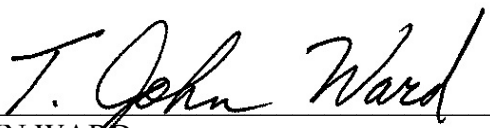
April 22, 2011 Mediation to be completed

IT IS FURTHER ORDERED by the Court that the following additional limitations shall apply in this cause:

1. All depositions to be read into evidence as part of the parties' case-in-chief shall be **EDITED** so as to exclude all unnecessary, repetitious, and irrelevant testimony; **ONLY** those portions which are relevant to the issues in controversy shall be read into evidence.
2. The Court will refuse to entertain any motion to compel discovery filed after the date of this Order unless the movant advises the Court within the body of the motion that counsel for the parties have first conferred in a good faith attempt to resolve the matter. See Eastern District of Texas Local Rule CV-7(h).
3. The following excuses will not warrant a continuance nor justify a failure to comply with the discovery deadline:
 - (a) The fact that there are motions for summary judgment or motions to dismiss pending;
 - (b) The fact that one or more of the attorneys is set for trial in another court on the same day, unless the other setting was made prior to the date of this order or was made as a special provision for the parties in the other case;
 - (c) The failure to complete discovery prior to trial, unless the parties can demonstrate that it was impossible to complete discovery despite their good faith effort to do so.

It is so ORDERED.

SIGNED this 22nd day of February, 2011.



T. JOHN WARD
UNITED STATES DISTRICT JUDGE